

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 148, entitled: "An Act to define the duties of Judges of the County Courts in certain cases therein mentioned;" also, Senate Bill No. 159, entitled: "An Act to make an appropriation to pay the salaries of the Judges, and other expenses of the Court of Appeals for the fiscal year, ending August 31, 1876." The same has been properly signed and presented to the Governor this day, at 12:30 o'clock P. M., for his approval.

GRACE, *Chairman.*

IN SENATE.

Senator Hobby, Chairman of the Committee of the Whole, represented that the Committee have had under consideration for some time, substitute for Senate Bill No. 119, "An Act to regulate proceedings in the County Court pertaining to the estates of deceased persons," have made considerable progress therein, and asked leave to sit again at 11 o'clock to-morrow.

On motion of Senator Martin, the Senate adjourned until to-morrow morning at 10 o'clock by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Carroll, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCulloch, Moore, Ripetoe—15.

NAYS—Senators Ball, Burton, Crain, Douglass, Edwards, Ledbetter, McLeary, Smith, Storey, Terrell, Thompson, Wortham—12.

NOT VOTING—Motley and Stephens—2.

FORTIETH DAY.

SENATE CHAMBER, )  
AUSTIN, TEXAS, June 3, 1876. )

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

On motion of Senator Ledbetter, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Francis presented the petition of many citizens of Cherokee county, "asking for the creation of a new county, to be taken from the counties of Cherokee, Rusk and Smith, giving the boundaries of the proposed new county, and their reasons for requesting the formation of said county."

Read and referred to the Committee on Counties and County Boundaries.

Senator Ford presented the petition of numerous citizens of McMullen county, which is an unorganized county, "requesting that said county be organized so as to have courts, officers, etc., that they may be able to protect themselves from the lawless characters that infest their borders."

Read and referred to the Committee on Counties and County Boundaries.

Senator Hobby, Chairman of the Committee on Judiciary No. 1, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 46, entitled, "An Act prescribing the qualifications of jurors," have instructed me to report the bill back to the Senate, and recommend that it do not pass, as Senate Bill No. 100, "An Act to regulate juries in civil cases," provides for the qualification of jurors.

*Hobby, Chairman.*

Senator Francis introduced a bill, entitled: "An Act to protect growing and ungathered crops from execution."

Read by caption and referred to the Committee on Agricultural Affairs.

Also a bill entitled: "An Act to punish drunkenness."

Read by caption and referred to the Committee on State Affairs.

Senator Smith introduced a bill, entitled: "An Act for the relief of Oscar M. Jackson."

Read by caption and referred to the Committee on Finance.

Senator Ledbetter introduced a bill, entitled: "An Act to amend the penal code of the State of Texas," adopted August 23, 1856.

Read by caption and referred to Judiciary Committee No. 1.

Senator Piner introduced a bill entitled: "An Act amendatory of an act entitled, 'An Act to adopt and establish a penal code for the State of Texas,' approved August 26, 1856.

Read by caption and referred to Judiciary Committee No. 2.

Senator Storey introduced a bill entitled: "An Act to provide for the payment of the bonds of the State of Texas that will become due and that are retirable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State and to supply the deficiencies in the revenue."

Read by caption and referred to Committee on Finance.

Also, a bill entitled: "An Act imposing an additional State tax of fifteen cents on each one hundred dollars of taxable property in this State to pay the interest on the bonded indebtedness of the State for the year 1876."

Read by caption and referred to Committee on Finance.

Senator Crain introduced a bill entitled: "An Act further regulating stock raising."

Read by caption and referred to Committee on Stock and Stock Raising.

Senator Ford offered the following resolution:

*Be it resolved by the Senate of the State of Texas,* That the petition of certain citizens of Fort Bend county, asking relief for W. M. Burton from liability as surety on the bond of W. H. Green, a defaulting witness, together with a copy of this resolution, be referred to His Excellency the Governor, with the request that His Excellency remit the forfeiture which has been entered on said bond by the District Court of Travis county.

Read and ordered to lie on the table for the present.

Senator McCulloch offered the following resolution:

WHEREAS, In view of the fact that the Fifteenth Legislature has but a short time for legislation, considering the vast amount of business before it, in organizing a code of laws in conformity with the new Constitution; and, whereas, the session is half gone and as yet but little done; therefore,

*Be it resolved by the Senate of the State of Texas,* That after adjournment on to-day, it do adjourn to meet on Monday next, and succeeding mornings at 10 o'clock A. M., and at 3:30 o'clock P. M., on alternate evenings—Mondays, Wednesdays and Fridays.

Read and referred to Committee on Rules.

On motion of Senator Guy, J. W. Swindells, First Assistant Secretary of the Senate, was granted a leave of absence for five days, beginning on Monday next.

On motion of Senator Blassingame, the rules were suspended, and Senate Bill No. 170, "An Act to amend an act entitled, 'An Act to regulate the practice of medicine,'" passed May 16, 1873, was taken up, and 500 copies of the bill and accompanying report of the committee, with the arguments made before the committee on this matter, were ordered printed.

A message was received from the House, announcing the passage by that body of the following bill:

Senate Bill No. 166—"An Act to provide for a special term of the District Court in Menard county," with amendments.

On motion of Senator Ledbetter, the rules were suspended, and Senate Bill No. 140, "An Act to provide for filling vacancies in the offices of District Clerks and Constables," was taken up and read third time.

Senator Ball offered the following amendment:

In Section 1, line 1, after the word, "inhabitants," insert, "at the time of the election."

Senator McLeary offered the following substitute for Senator Ball's amendment:

In Section 1, line 1, insert, "at the last official census."

Substitute adopted.

Senator Piner offered the following amendment:

After the word, "exists," insert, "because of the danger to the public interests that might ensue by reason of an accidental vacancy in said offices."

Adopted.

Senator Burton offered the following amendment:

Amend by striking out, "Justice," and inserting, "County Commissioners' Courts."

Lost.

Senator Piner moved to reconsider the vote by which Senator McLeary's amendment was adopted.

Carried.

Senator McLeary withdrew his amendment.

The hour of the special order having arrived, to-wit: Senate Bill No. 119, "An Act to regulate proceedings in the County Court, pertaining to the estates of deceased persons," it was taken up and the Senate went into Committee of the Whole on the consideration of the same.

Senator Terrell called to the chair.

#### IN SENATE.

Senator Terrell, Chairman of the Committee of the Whole, reported that the committee had had the foregoing named bill under consideration, had made considerable progress, and asked leave to sit again on Monday, at 11 o'clock A. M.

The President signed in open session, after publicly reading its cap-

tion, House Bill No. 188, "An Act to provide for special terms of the District Court in the Twentieth Judicial District."

On motion of Senator McLeary, the rules were suspended, and Senate Bill No. 166, "An Act to provide for a special term of the District Court in Menard county, was taken up, and House amendments concurred in.

By leave, Senator Storey, Chairman of the Committee on Finance, submitted the following report:

*Hon R. B. Hubbard, President of the Senate:*

Your Committee on Finance have had under consideration House Bill No. 86, "An Act to make an appropriation of the Fourteenth Legislature for frontier defense, available for payment of deficiency for previous years for same purpose," and I am instructed by the committee to report the bill to the Senate with the recommendation that the same do pass.

STOREY, *Chairman.*

On motion of Senator Crain, the rules were suspended and Senate Bill No. 108, "An Act to regulate quarantine on the coast of Texas," taken up.

On motion of Senator Storey, the further consideration of the bill was postponed until Monday next, immediately after the morning call.

On motion of Senator Ford, the rules were suspended and his resolution with regard to the forfeited bond of Senator Burton, given for the appearance of the absconding witness of the Lunatic Asylum frauds, Green, was taken up, and on motion of Senator McLeary referred to Judiciary Committee No. 1.

On motion of Senator Stephens, the Senate adjourned until Monday morning at 10 o'clock by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Ford, Grace, Guy, Henry F. M., Hobby, Martin, Moore, Motley, Ripetoe, Stephens, Storey, Thompson—16.

NAYS—Senators Brady, Burton, Carroll, Crain, Edwards, Francis, Henry J. R., Ledbetter, McLeary, Terrell—10.

NOT VOTING—Senators Piner, Smith, Wortham, McCulloch—4.

#### FORTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, JUNE 5, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

On motion of Senator Terrell, the reading of the journal of Saturday was dispensed with and the same adopted.

On motion of Senator Grace, E. J. Chew, the Calendar Clerk, was excused on account of sickness.

The President, after reading its caption, signed Senate Bill No. 176, "An Act to provide for a special term of the District Court of the counties of Burnet and Menard."

Senator Crain introduced a bill entitled: "An Act to require the Court of Appeals to dismiss certain felony cases."

Read by caption and referred to Judiciary Committee No. 2.

Also, a bill entitled: "An Act fixing the time of holding District Courts in the Twenty-third Judicial District."

Read by caption and referred to Judiciary Committee No. 2.